

MONTANA LEGISLATIVE HISTORY

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Chapter 423 19 93

Bill H _____ S 395 Original bill & history C

H. Committee on Highways & Transportation

Hearing Date(s) Mar 15 ☒ C

Mar 17 ☒ C

_____ ☐ C

_____ ☐ C

Date Out Mar 18 ☒ C

S. Committee on Highways & Transportation

Hearing Date(s) Feb 16 ☒ C

Feb 20 ☒ C

_____ ☐ C

_____ ☐ C

Feb 20 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

CHAPTER NUMBER 177
EFFECTIVE DATE: 10/01/93

SB 394 INTRODUCED BY HARP, ET AL.
REGULATE ATTORNEY FEES PAYABLE IN WORKERS' COMPENSATION
MATTERS

2/13	INTRODUCED		
2/13	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
2/13	FIRST READING		
2/18	HEARING		
2/22	COMMITTEE REPORT—BILL NOT PASSED		
2/22	ADVERSE COMMITTEE REPORT REJECTED	24	24
2/23	TAKEN FROM COMMITTEE AND		
	PLACED ON 2ND READING	26	23
2/23	2ND READING PASSED	25	24
2/24	3RD READING PASSED	26	23
	TRANSMITTED TO HOUSE		
3/01	REFERRED TO WORKERS' COMP SELECT COMMITTEE		
3/01	FIRST READING		
3/08	HEARING		
3/11	COMMITTEE REPORT—BILL CONCURRED AS AMENDED AND		
	REFERRERED TO LABOR & EMPLOYMENT RELATIONS		
3/16	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED		
3/25	2ND READING CONCURRED	74	26
3/25	3RD READING CONCURRED	73	27
	RETURNED TO SENATE WITH AMENDMENTS		
4/05	2ND READING AMENDMENTS NOT CONCURRED	50	0
4/12	FREE CONFERENCE COMMITTEE APPOINTED		
4/24	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING FREE CONFERENCE COMMITTEE		
	REPORT NO. 1 ADOPTED	32	15
4/24	3RD READING FREE CONFERENCE COMMITTEE		
	REPORT NO. 1 ADOPTED	33	16
	HOUSE		
4/13	FREE CONFERENCE COMMITTEE APPOINTED		
4/24	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING FREE CONFERENCE COMMITTEE		
	REPORT NO. 1 ADOPTED	50	47
4/24	3RD READING FREE CONFERENCE COMMITTEE		
	REPORT NO. 1 REJECTED	49	50
4/24	MOTION FAILED TO RECONSIDER PREVIOUS		
	ACTION AND PLACE ON 3RD READING	35	63
	DIED IN PROCESS		

SB 395 INTRODUCED BY HARP
LIMIT LENGTH FOR VEHICLE HAULING LOGS; LIMIT MAXIMUM OVERHANG
LENGTH OF LOGS

2/15	INTRODUCED		
2/15	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/15	FIRST READING		
2/16	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED	47	1
2/23	3RD READING PASSED	44	5
	TRANSMITTED TO HOUSE		
2/23	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/23	FIRST READING		

3/15	HEARING		
3/19	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/29	2ND READING CONCURRED	99	1
3/31	3RD READING CONCURRED	95	3
	RETURNED TO SENATE WITH AMENDMENTS		
4/06	2ND READING AMENDMENTS CONCURRED	50	0
4/07	3RD READING AMENDMENTS CONCURRED	46	3
4/14	SIGNED BY PRESIDENT		
4/14	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 423		
	EFFECTIVE DATE: 10/01/93		

SB 396 INTRODUCED BY FORRESTER

ALLOW A TAXING UNIT THAT EXPERIENCED A 5 PERCENT OR MORE DECREASE IN TAXABLE VALUATION FROM THE 1986 TAX YEAR TO CONTINUE TO LEVY ADDITIONAL MILLS WHEN THE TAXING UNIT'S TAXABLE VALUATION IS GREATER THAN 95 PERCENT BUT LESS THAN 100 PERCENT OF THE TAXING UNIT'S TAXABLE VALUATION IN TAX YEAR 1986

2/15	INTRODUCED		
2/15	REFERRED TO TAXATION		
2/15	FIRST READING		
3/09	HEARING		
3/12	COMMITTEE REPORT—BILL PASSED		
3/12	TAKEN FROM 2ND READING AND REREFERRED TO TAXATION		
3/22	COMMITTEE REPORT—BILL PASSED		
3/24	2ND READING PASSED	50	0
3/25	3RD READING PASSED	46	0
	TRANSMITTED TO HOUSE		
3/26	REFERRED TO NATURAL RESOURCES		
3/26	FIRST READING		
3/30	REREFERRED TO TAXATION		
3/31	HEARING		
4/01	COMMITTEE REPORT—BILL CONCURRED		
4/02	2ND READING CONCURRED	49	48
4/05	3RD READING CONCURRED	62	38
	RETURNED TO SENATE		
4/14	SIGNED BY PRESIDENT		
4/14	SIGNED BY SPEAKER		
4/15	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 424		
	EFFECTIVE DATE: 04/20/93		

SB 397 INTRODUCED BY DOHERTY, ET AL.

MAKE IT A FELONY TO ATTACK OR THREATEN A JUDGE
BY REQUEST OF SENATE JUDICIARY COMMITTEE

2/15	INTRODUCED		
2/15	REFERRED TO JUDICIARY		
2/15	FIRST READING		
2/17	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED		
2/22	2ND READING PASSED	48	0
2/23	3RD READING PASSED	45	5

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By Senator Cecil Weeding, on February 16, 1993,
at 1:01 p.m.

ROLL CALL

Members Present:

Sen. Cecil Weeding, Chair (D)
Sen. Betty Bruski-Maus, Vice Chair (D)
Sen. John Harp (R)
Sen. Francis Koehnke (D)
Sen. Doc Rea (D)
Sen. Spook Stang (D)
Sen. Chuck Swysgood (R)
Sen. Henry McClernan (D)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)

Members Excused: None.

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Council
Beth Satre, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 353, SB 395, SB 373, SJR 17
Executive Action: SJR 17, SB 353, SB 373

HEARING ON SENATE BILL 395

Opening Statement by Sponsor:

SEN. HARP stated SB 395 would reduce the allowable length of five axle truck semi-trailer combinations and would provide that log overhang may not exceed 15 feet except by special permit. He stated SB 395 would also stipulate that overhang be measured from "the center of the rear most axle to the most distant end of the logs being hauled". He noted proponents from the Kalispell area were present to testify on behalf of SB 395. SEN. HARP added that certain companies had expressed concern about SB 395 and commented that he had just received a letter from the Idaho Pole Company which had informed him that his company could be adversely affected by the bill as well. He noted HB 395

contained some exclusions allowing for different policies for unprocessed logs and those manufactured logs ready for installation. He stated Idaho allowed those exclusions, and the Committee might want to address these exclusions more closely.

CHAIRMAN WEEDING asked if **SEN. HARP** wanted to close the hearing on SB 395. **SEN. HARP** replied he would rather not, since he had another hearing he had to attend. He added some amendments might be offered from various groups and asked that the Committee defer acting on any of those until he was able to participate.

Proponents' Testimony:

Arvon Fielding identified himself as a log trucker from the Kalispell area. He stated the Log Truckers Association of Montana (LTAM) had pushed to get SB 395 introduced. He added SB 395 addressed a twelve year old problem which continued to worsen because of the increase in traffic on Montana roads. He explained that log trucks are designed to pivot around corners which means any overhang on a logging truck extends out into the other lane. He stated he had once made a left hand turn while operating a log truck and flipped a Toyota station wagon with two little kids and their father without even knowing he had hit the vehicle. **Arvon Fielding** commented that any time part of the trucker's load is in the other lane, the trucker is at fault. He added that the log truckers have borne the brunt of this for many years because their increased liability insurance.

Arvon Fielding informed the Committee that LTAM had compromised on the provisions in SB 395. He stated the terms LTAM had originally wanted were much more stringent. He said LTAM had held a demonstration at a bad intersection in Kalispell to measure the extent to which a load of logs blocked the other lane of traffic. He said the load was 78 feet long from the front bumper to the back with approximately 22 feet of overhang. He stated the lane was 10 feet wide and at the turn the logs were in the other lane for 82 feet and at the maximum point they were in that lane 9.5 feet. He noted that would have left only 6 inches for a car in the other lane. **Arvon Fielding** said LTAM held several meetings to discuss the issue and had invited all the mill owners, loggers and log truckers in the area. He stated one mill owner was present at the first meeting and none bothered to attend the second meeting. He told the Committee the mill owners would argue that short logs can no longer be cut economically, and would ask that log trucks be allowed to have a 15 foot overhang. He stressed that SB 395 was a safety issue. He stated if this is a problem that can be corrected by passing a law which would keep logs out of the other lane of traffic, it should be done. He concluded there is no excuse to do anything else.

R.T. Atkins, Safety Director, LTAM, stated log haulers have experienced many problems in the last 15 years and noted log trucks have been forced to use any roads possible in order to get away from traffic. He emphasized that the 65 feet load and 15 foot overhang requirements represent a compromise on LTAM's part,

and added the 15 foot overhang provision actually allows an 18 foot overhang into the other lane of traffic because the length is measured from the center of the axle not the pivot point of the trailer. **R.T. Atkins** noted that if truck length goes beyond 65 feet, the trailers would have to be extended. He argued that any further extension would place a dangerous amount of stress on the compensator, the weakest and most unsafe part of the log truck. He noted that log haulers would also have trouble making the corners in the woods if log trucks were extended beyond 65 feet. He emphasized, however, that SB 395 addressed a safety issue. Because of safety considerations, he stated log haulers would like to limit log truck lengths to 45 feet but had compromised at 65 feet. He added that anything over 65 feet would be too dangerous.

Lyle Doty, Chairman of the Board, LTAM, alerted the Committee to some confusing language on page three of SB 395 involving "the length of any 5 axle truck and log trailer combination or truck and semi-trailer". He said if a pup trailer is used to haul logs, the vehicle will have more than five axles. **Lyle Doty** stated he had talked to all involved parties and had been careful to ascertain that the lengths stipulated in SB 395 would not infringe upon any existing length logs which are now hauled intact. He said the intent of SB 395 was to limit the allowable length of five axle logging trucks hauling whip logs and any overhang. He stated SB 395 was necessary to eliminate the excessive swinging radius when a logging truck makes a left or right hand turn to get the logs out of the other lane of traffic. He noted the current law would allow any load which could be loaded onto the truck to be hauled. He stated that fortunately only one serious injury has been caused by a turning log truck and said the fault in that accident has not yet been determined. He added, however, that anytime a driver's vehicle moves into the other lane of traffic, the driver is in violation.

Lyle Doty outlined the process by which SB 395 was developed and drafted. He stated three meetings had taken place in which the issue of truck and overhang length were discussed by those people involved and interested in the business. He said the first meeting took place in fall of 1992 and was attended by representatives of the Department of Transportation (DOT), LTAM, Montana Wood Products Association (MWPA), Plum Creek Timber Company and the Montana Logging Association (MLA). **Lyle Doty** stated the issues of excessive whip lengths, the public danger they pose, as well as the real possibility that city councils or the Legislature could impose uninformed and unreasonable limitations on log loads were discussed. He noted the people present at that meeting agreed that the industry should develop a potential solution by suggesting satisfactory lengths for log trucks and overhangs which could be presented to the Legislature. He stated the demonstration **Arvon Fielding** had previously mentioned took place in December as did another meeting with the Montana Loggers Association and Industry and the log truckers. **Lyle Doty** noted only one mill owner chose to attend that meeting

although 60 letters were sent out. He said at the December meeting, the problem was identified as log trucker oriented and said he was asked to draft a bill proposal which would limit the transportation of raw unprocessed logs to a length of no more than 45 feet on all federal, state, or county highways and roads. **Lyle Doty** emphasized that the bill proposal as well as SB 395 provided that special permits would be available for loads of excessively long logs. According to **Lyle Doty**, another meeting with the industry was held in January 1993 to work on the bill proposal. He said 30 people representing log contractors and truckers attended, but he added not one mill owner or WPA representative was in attendance at this meeting although they were invited. He noted that the people at that meeting, who represented the people doing the work in the field and the truckers hauling the logs, agreed that a 65 foot overall length with a 15 foot overhang was a viable solution to the problem. He added those lengths represented a return to the standards of eight years ago, before the extra long lengths were brought into existence.

Lyle Doty stressed that SB 395 was not an issue of economics but of safety. He stated if nothing is done, "some one is going to get seriously hurt and there will be a horrible horrible law suit".

Denny McManus said he was from Kalispell. He told the Committee his brother had been involved in an accident which had seriously injured a person while driving a log truck in Kalispell. He explained the accident was primarily caused by the overlong logs swinging out into the other lane of traffic, and added that log trucks could not turn corners any other way. According to **Denny McManus**, his brother believes the law should dictate that no overhang is allowable. **Denny McManus** said he thought that solution would be drastic, but added the log overhangs needed to be limited to a length which would stop the logs from swinging out into the other lanes of traffic when the truck turns corners. He noted that this problem has been getting worse because many people have been moving into Montana and are not aware of the dangers posed when log trucks negotiate corners.

Dave Galt, Administrator Motor-Carrier Services, Department of Transportation, DOT, expressed DOT support of SB 395 because it would address the serious problem of overhang. He stated he had seen the ramifications of trying to turn a load of logs off of Highway 2 in Kalispell. He said he had been involved in drafting SB 395 from the beginning. He then offered an amendment to clarify the language on page three, to which **Lyle Doty** had referred (Exhibit #1). He noted that the intention of SB 395 was to address five-axle log trucks, not pup trailers, and said the amendment would remove all reference to truck tractor-semi trailer-trailer from SB 395.

Opponents' Testimony:

Don Allen, Montana Wood Products Association (MWPA), stressed he

was not in opposition to the safety issue in SB 395. He stated, however, his members opposed SB 395 in its current version. He explained that legislating a maximum overall log truck length would require shortening the length of the logs hauled and would result in more waste of a natural resource, would increase logging costs, and would pose a greater risk of personal injury to the logger. He pointed out that reducing the allowable length of logs would create more slash to be burned, which would pose further environmental concerns.

Don Allen also noted that the meeting agenda for October 7, 1993, which MWPA attended, had six items and only one addressed the issue of excessive log lengths. He quoted from a letter summarizing that meeting sent by LTAM as it regarded "excessive log lengths, it was agreed that a study should be done on the overhang problem. Possibly this should be taken to Legislation to have a limit drawn up to the amount of over hang permitted. Overhang is the problem, not long logs". **Don Allen** emphasized the last sentence in that paragraph and stated he was not sure what transpired between that meeting and the final language in SB 395. He stated MWPA does not oppose passing legislation which would deal with the safety issue, but is opposed to the maximum truck length provision SB 395 would legislate. He expressed his association's support of the amendment offered by **Dave Galt** (Exhibit #1) and offered an amendment which remove the limitation on overall truck length from SB 395 (Exhibit #3).

Don Allen also asked the Committee to consider amending SB 395 to exclude those persons or business entities engaged in transporting logs used in manufacturing utility poles or log homes from the provisions in the bill.

Gerald Parker, General Manager, Pyramid Lumber Company, Great Falls, expressed his concern that SB 395 would eliminate the use of pup trailers for hauling logs. He explained his company has ponderosa pine hauled from eastern Montana to its saw mill in Seeley Lake and uses truck trains for that purpose. He said adding a pup trailer onto the back of a five axle truck allows almost double the load to be hauled. He said his company would face economic hardship if truck trains were eliminated. He stated the overhang poses the real safety problem and concluded his company would support SB 395 if the total length provision were dropped.

Bill Chandler, Stone Container, supports the safety issue recognized by SB 395, but feels that limiting the allowable overhang to 15 feet would adequately address the issue. He questioned the 65 feet limitation. He said that limitation would require log lengths to be about 50 feet which would create material resource waste and additional costs for sawmills both in the woods and at the mill. He noted that pup trailers are an efficient way to move logs over long distances and the elimination of pups would decrease ability to supply the mill. He stated pup trailers should not be included in the length

measurement and added the overhang creates the primary safety problem. He concluded that the configuration of logging trucks could remain within the 10 foot overhang and still maintain an acceptable log length.

Bill Brewer, Great Falls, said he did not think that pup trailers should be included in SB 395. He stated the 15 foot overhang was a good provision and added SB 395 should not be limited to just five-axle trucks. He explained the application of this bill should be extended to address safety problems which are posed by some of the specialized equipment used with these longer hauls. He added equipment can be adjusted to make it safe to haul longer logs. **Bill Brewer** said he thought the road problem and the inability of longer log trucks to negotiate the corners in the woods could be solved by discussions between the logger, the contractor, the mill and the log haulers. He added he did not think a load-basis permit system would address the safety issues. He suggested that an annual permit might be an alternative.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. STANG asked what the normal length of a log truck was from the front bumper to the end of the trailer without any logs. **Lyle Doty** replied a five-axle log truck measured approximately 48 to 52 feet from the center of the back axle to the center of the front bumper. He noted that for many years logs were cut 65 feet long and added that, even though 65 foot logs were hauled through many cities and towns, there were never many accidents until the log length started to increase.

SEN. STANG asked if people in MWPA had been willing to build wider roads and fill in the corners in order to accommodate the increasing length of log loads. **Don Allen** replied road building is something which is agreed upon at each specific timber sale. He said he did not know if sawmills had shown themselves willing to build wider roads in specific instances. He added, however, he was sure that the mill owners were interested in getting the logs out of the forest with the least amount of disturbance.

SEN. STANG asked if the Pyramid Logging representative could answer his question. **Gerald Parker** said apparently the roads were being constructed to accommodate the longer length logs since those logs are currently being hauled out of the forests.

CHAIRMAN WEEDING asked if any of proponents of SB 395 would like to respond to the amendment proposed by MWPA which would strike the 65 foot provision. **R.T. Adkins** said strongly disagreed with the amendment. He stated **Pete Larson, Owner, American Timber**, had expressed his preference for 58 foot logs, but had stated that he would support a reduction to 51 feet for safety purposes. **R.T. Adkins** explained that with 51 foot logs, it was possible to stay within the 65 feet length limit with a 15 foot overhang. He added that **Pete Larson** had said there would be no problem with

utilization.

CHAIRMAN WEEDING asked **R.T. Adkins** to respond to the argument that the reach of a log truck could be extended without posing any additional safety hazards. **R.T. Adkins** replied the type of wood he hauls is springy and the larger logs would sag down onto the smaller logs in the middle if the log truckers were forced to stretch their equipment out. He noted that **Bill Brewer** was discussing yellow pine which does not sag. He stated he did not think that the 65 foot overall length would cause any problem in utilization of that timber, and said the only reason longer logs were being hauled was that they could be loaded more quickly. He noted that at least nine out of ten truckloads of whips which have an overhang in excess of 15 feet, are overwidth, overheight or overlength.

SEN. KOEHNKE asked if the log haulers would need to renegotiate their contracts as a result of SB 395. **R.T. Adkins** responded the log haulers do not have a chance to negotiate their contracts. He stated that overlength loads often result in major equipment damage for which the log truckers are not compensated.

SEN. KOEHNKE noted he had received a letter from a timber company in his district which hauls 8 foot 3 inch studs. He asked how long the logs they haul need to be since a 65 foot length would not work. **Don Allen** said MWPA had received that comment from several companies, who need to cut their logs into 8 foot 3 inch multiples. He said there is some concern with the overhang being limited, but added those companies are willing to make the necessary adjustment to accommodate for the sake of safety.

SEN. KOEHNKE asked **Lyle Doty** to respond. **Lyle Doty** said the 65 foot overall length is from the front bumper to the furthest point of the log. He said a 51 foot log would allow for a "six-bolt log with trim". He said a 51 foot log would be the longest that could be hauled with a 65 foot maximum length.

CHAIRMAN WEEDING asked **Arvon Fielding** to respond to the amendment which would remove the maximum length from SB 395. **Arvon Fielding** replied he felt that overhang should not be allowed. He commented that the argument was not true that a limit on the length of log trucks would economically hurt sawmills because it would reduce the efficiency of wood utilization. He said if a 90 foot tree is cut into two 45 foot pieces instead of one longer and shorter, the same amount of wood gets to the mill.

SEN. MCCLERNAN asked how long logging trucks would be if the amendment presented by **Don Allen** were adopted (Exhibit #3). **Dave Galt** replied that logging trucks can currently be 75 feet in length but with a permit can be close to 95 feet. He stated if the overhang was restricted but the overall length was not, the logging trucks could get very long. He noted, however, that "a lot of things" play a role in the length.

SEN. STANG asked Dave Galt if the statutory definition of "log" would include poles. Dave Bohyer replied as SB 395 is drafted, a pole would fit the definition of a "log". Dave Galt agreed. He stated at sometime that pole was a log, but no more.

CHAIRMAN WEEDING asked Don Allen to respond to Mr. Fielding's previous statements. Don Allen said he had not meant to imply that the sawmills would face economic disaster if the 65 foot length was instituted. He added, however, a 75 foot log would work best for the machine configurations, including the selfloaders. He stated most of MWPA's member companies could probably accommodate a 70 foot limit, but added a 65 foot limit would result in waste, extra labor and extra time. He emphasized that not just the sawmills but every step of the logging operation would be affected by such a limit.

CHAIRMAN WEEDING asked if Don Allen were advocating retaining the current 75 foot overall length but establishing a 15 foot allowable overhang. Don Allen replied yes.

SEN. STANG asked how long the maximum length of pole. Dave Galt replied he did not think there was a maximum length applicable to poles. He added he did not know how long a telephone pole was. He added loads of overlong logs designated to be made into telephone poles could currently be permitted. He stated certain restrictions would, however, apply.

SEN. STANG asked Don Allen if he would like to respond. Don Allen replied that Idaho Pole has removed cedar poles in western Montana up to 105 feet plus a foot or two of trim, he added that company had delivered those poles throughout Montana. He assured the Committee that poles exceeding 85 feet were very few in number.

CHAIRMAN WEEDING asked Lyle Doty to respond. Lyle Doty said he had hauled a considerable amount of superlong poles which reached 110 feet in length. He stated Idaho Pole had a specialized truck with a triple compensator designed specifically to haul superlong poles which were longer than 85 feet.

CHAIRMAN WEEDING asked if those loads had more than a 15 foot overhang. Lyle Doty replied occasionally those trucks had a 20 foot overhang.

SEN. SWYSGOOD asked if the 15 foot overhang would only apply to five-axle trucks if SB 395 were adopted. CHAIRMAN WEEDING replied that would be true if the Committee adopted the amendment Dave Galt had introduced (Exhibit #1).

SEN. SWYSGOOD asked if that was the intent of the amendment. Dave Galt replied he thought SB 395, with the amendment he had proposed, would apply to any log. He added no log would be allowed to have an overhang greater than 15 feet.

Closing by Sponsor:

SEN. HARP was not present to close the hearing on SB 395.

HEARING ON SENATE BILL 373

Opening Statement by Sponsor:

SEN. BECK, Senate District 24, said SB 373 was a clean-up bill relating to motor-vehicle statutes. He said the SB 373 addresses four subject areas: It simplifies language concerning the filing of liens and concerning the Department's licensing of motor-vehicle brokers and mobile home sellers; it increases the title transfer fee for off-highway vehicles (OHV) making them commensurate to the title transfer fees for other motorized vehicles; and it simplifies the bond-title process.

Proponents' Testimony:

Peter Funk, Assistant Attorney General, Motor-Vehicle Division, stated SB 373 contained most of the clean-up measures the Department of Justice (DOJ) had deemed necessary. He briefly outlined the four subjects which SB 373 addressed. He said SB 373 addressed Montana's lien-filing statutes. He explained SB 373 would identify the difference between voluntary and involuntary liens and would specify that titles must accompany all collateral lien filings. He said SB 373 would increase the title transfer fee for OHVs from \$4 to \$5, and added this increase would make the title transfer fee consistent with the fees associated with cars, snowmobiles and boats. According to Peter Funk, SB 373 would also clarify the DOJ's regulatory authority over mobile home dealers and would exempt real estate agents from the licensure requirement for selling mobile homes. He concluded that SB 373 would also stipulate that bonded titles for motor-vehicles be issued by companies licensed to do business in Montana. Peter Funk concluded that the only significant change contained in SB 373 was the increase in the title transfer fee. He assured the Committee that the intent behind that provision was only to make that fee consistent with the fees charged for the motor-vehicles, snowmobiles and boats.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. SWYSGOOD asked how big was the problem posed by the issues addressed in SB 373. Peter Funk replied the mobile-home issue has been a major problem in the last two years, as has the lien filing situation. He stated the DOJ could live without these changes, but added that the four areas addressed by SB 373 comprise the majority of all problems the DOJ has experienced over the last two years. He concluded the DOJ had decided it would be better for all concerned to attempt to change Montana statute in these areas.

Discussion:

SEN. STANG noted the clause was the only reference in SJR 17 to the need for a review of the logo sign program. He stated the study would not occur if the clause was removed. CHAIRMAN WEEDING agreed that the logo sign program should not be completely removed from SJR 17, but suggested using some other language.

SEN. STANG argued that businesses could depreciate and write off assets for a certain length of time after their purchase. He noted that during that time a company could show a loss even though it was actually making money. He stated a company showing no profit on its income statements does not necessarily mean it is not a profitable business.

SEN. TVEIT withdrew his motion.

Vote:

The MOTION THAT SJR 17 DO PASS CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 353

Motion: SEN. BRUSKI-MAUS moved SB 353 DO PASS.

Discussion:

CHAIRMAN WEEDING informed the Committee SB 353 did have a fiscal note which was unavailable. He added SB 353 would not raise any fees.

Vote: The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 373

CHAIRMAN WEEDING informed the Committee that SB 373 also had a fiscal note which was pending. He noted, however, that SB 373 would raise OHV title transfer fees by \$1.

Dave Bohyer said that the state's General Fund would receive 50 cents of the \$1 increase and the county in which the title-transfer occurred would receive 50 cents.

Motion/Vote:

SEN. TOEWS moved TO TABLE SB 373. The MOTION CARRIED WITH SENATORS REA, WEEDING, BRUSKI-MAUS and MCCLERNAN voting NO. SENATORS MCCLERNAN and HARP cast their votes by proxy (Exhibits #4 and #5).

EXECUTIVE SESSION ON SENATE BILL 395Discussion:

CHAIRMAN WEEDING said the hearing on SB 395 indicated that the 15 foot hangover was the primary safety concern. He wondered if the question of overall length was all that critical.

SEN. TVEIT noted that the log haulers were concerned that further extending their equipment would put too much strain on the connection between the trailer's front and rear axles and cause it to break.

SEN. TOEWS asked why heavier metal could not be used for those connections. SEN. STANG replied that regardless of the material used, the connecting shafts will bend when the truck is going around a corner if the log trucks are extended too far. He stated if that happened when a truck was going down the road, the trailer would detach and the entire load would fall.

SEN. TVEIT said the sawmills are demanding that the log haulers extend their equipment to accommodate longer logs. He stated that the log haulers were the ones driving those trucks and being placed in dangerous situations.

CHAIRMAN WEEDING noted that the log haulers were concerned that a restrictive and uninformed law would be enacted if the industry does not address this issue.

SEN. STANG stated the log haulers have two primary concerns: first, that some communities will restrict the routes on which they may travel; second, that the number of accidents involving serious injury will increase along with their insurance rates. He said SB 395 would indicate to the insurance companies that log haulers are being responsible and trying to reduce the safety risk they pose.

SEN. REA asked if overhang was the primary concern. SEN. SWYSGOOD replied a truck's turning radius is in direct proportion to the amount of overhang. He explained the further back the axles are on the load, the less "kick out" there is on the turn. He added the less overhang a truck has, the more difficult it is to get around corners. He stated the log trucks' overhang is the crucial component of the safety problem, but agreed that their length and the stability of their equipment were also valid concerns.

SEN. KOEHNKE asked if the mills would require log trucks to haul higher loads in order to receive the same payload. SEN. SWYSGOOD said he was unsure that log trucks could haul loads which were higher.

SEN. STANG said the log haulers had suggested that an 8 foot 3 inch section be cut from the end of each whip and loaded into the center of the load. He added that operation would add costs to the logging operation because the picking up and loading of one

more piece of wood would be required. He noted the sawmills and some loggers oppose a maximum length restriction for that reason. He said sawmills do use whips "right down to the end" by either chipping or making pulp out of them.

CHAIRMAN WEEDING said he did not favor passing legislation which would cause usable wood to be left in the forest. He stated SB 395 contained some good provisions, but added that the Committee needed time to consider the issues.

ADJOURNMENT

Adjournment: 2:53 p.m.



SENATOR CECIL WEEDING, Chair



BETH E. SAIRE, Secretary

CW/bes

THE

Attach to each day's minutes

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE February 16, 1993

BILL NO. SB 395-

DEPARTMENT OF TRANSPORTATION'S AMENDMENTS TO SB0395

Page 3, Line 1

Following: "5-axle truck"

Strike: "or truck tractor-semi trailer-trailer"

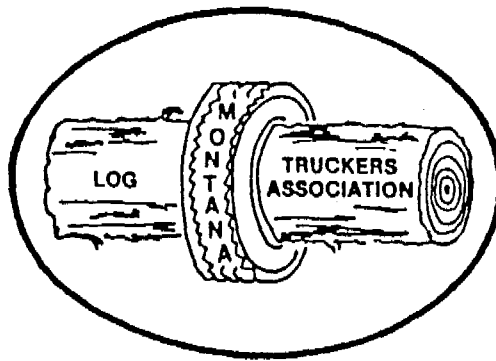
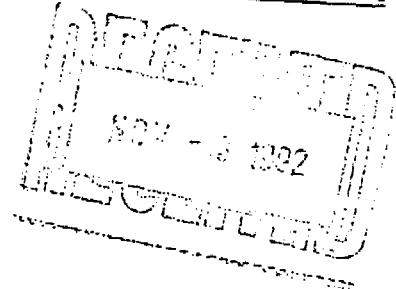


EXHIBIT NO. 2
DATE Feb. 16, 1993
BILL NO. SB 395



November 3, 1992

Montana Loggers Association
Att: Keith Olson
P.O. Box 1716
Kalispell, MT 59901

Re: Outlaw Inn Meeting
October 7, 1992

Dear Keith:

The L.T.A.M. Board of Directors and General Membership met on October 10, 1992. The Board discussed the following issues pertaining to the adjustment of loads of logs which exceed 80,000 lbs GVW. The Board and the General Membership would agree to these issues, if they were made a state wide industry policy.

1. It was decided that a maximum of 81,000 pounds would be paid for by the shipper for a 5-axle logging truck. Also, for a 6-axle logging truck, the board felt that they should be entitled to their statutory weight limit.
2. Log truckers hauling legal height and that are hauling dead lodge pole or any dead wood, should be paid for 80,000 lbs. Also, in addition to the above, the log trucker should be paid for a legal load of 80,000 lbs. for all clean-up loads that do not reach legal weight.
3. Special concession on Forest Service cost share roads should not be allowed. For example: Champion contracts in the Wolf Creek or Fisher River Districts. This is where heavy loads have been hauled up to and in excess of 100,000 lbs. To allow this would be unfair for other mills, as there should be no special concessions to haul heavy loads.
4. It was also discussed that the log trucker should have the cooperation of the logging contractors to have a reasonable level loading area, at the loading site, in order for the truck scales to function properly.

5. In regards to excessive "log" lengths, it was agreed that a study should be done on the over hang problem. Possibly this should be taken to Legislation to have a limit drawn up to the amount of over hang permitted. Over hang is the problem, not long logs.
6. The unloading of logs at the State Weigh Scales to correct over-weight problems should be prohibited, due to safety reasons. This should be written into existing laws.

If you have any further questions, please feel free to reach me at the LTAM office. Thank you.

Sincerely,



Arvon Fielding
President, LTAM

cc: LTAM Officers
LTAM Board of Directors
Cary Hegreberg
Don Allen
Scott Kuehn
Phil Heffner
Bud Clinch

Amendments to Senate Bill No. 395
First Reading Copy

SENATE HIGHWAYS

EXHIBIT NO. 3

DATE Feb. 16, 1993

BILL NO. SB 395

For the Committee on Highways and Transportation

Prepared by Dave Bohyer
February 16, 1993

1. Title, line 5.

Following: "THE"

Insert: "MAXIMUM OVERHANG"

Following: "OF"

Strike: "TRUCKS HAULING RAW"

2. Page 3, lines 1 through 8.

Following: "(5)" on line 1

Strike: the remainder of line 1 through "(b)" on line 8

DATE February 16, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: SB 353, SB 395, SB 373

STJ 17

Name	Representing	Bill No.	Check One	
			Support	Oppose
BUD SCHOEN	MOTOR VEHICLE DIV	353	✓	
BUD SCHOEN	" " "	373	✓	
Peter Funk	Dept. of Justice	373	✓	
Don Allen	Nat. Union Products Assoc	395		✓
DAVE GALT	MDI SB 395			
Bill Chandler	STONE CONTAINER	395		✓
Barbara Schmo	Schmo Lugg	395	✓	
Gerald V. Parker		395		✓
Bill Brew	IS & W	395		✓
ARNOA FIELDING	ARNOA FIELDING	395	✓	
Danny McMANUS	Danny McManus	395	✓	
STAN KALECZYK	LOGO SIGNS ON HIGHWAY	ST 17	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

off-road trail system. Doug Abelin replied a trail system is already in place. He stated his Association would like to establish a safety program which had vehicles available to teach off-road safety. He stated it would be justifiable to set up such a program because a lot of off-road vehicles are being used and they need a safety setup.

Motion/Vote: SEN. STANG moved to TABLE SB 365. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 395

Motion: SEN. HARP moved to AMEND SB 395 (Exhibit #1).

Discussion:

SEN. HARP explained this amendment would totally eliminate Section 5(a) which would delete the 65 foot overall length. He said the only thing left in SB 395 would be the 15 foot overhang.

CHAIRMAN WEEDING commented everyone had agreed upon the 15 foot overhang at the hearing. SEN. REA asked if the amendment would allow trucks to be of any length as long as there was only a 15 foot overhang. SEN. SWYSGOOD said the length could be whatever the law provided for now, but a truck would not be allowed to be "miles" long. Dave Galt stated with a permit a truck can be 90 feet long. He reminded the Committee SB 395 would only apply to 5-axle logging trucks, which are only 50 feet.

SEN. HARP stated the primary purpose of the remaining section of SB 395 is safety. This section would eliminate the extensive overhang, which was primarily responsible for the traffic accidents initially motivating this legislation.

Vote: The motion to amend SB 395 CARRIED with SEN. STANG and SEN. TVEIT voting NO. SEN. TVEIT voted by proxy.

Motion/Vote: SEN. HARP moved SB 395 DO PASS AS AMENDED. The motion CARRIED with SEN. KOEHNKE and SEN. STANG voting NO.

EXECUTIVE ACTION ON SENATE BILL 416

Motion/Vote: SEN. STANG moved SB 416 DO PASS, and the motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SENATE BILL 373

Discussion:

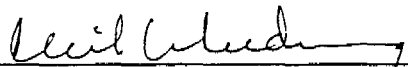
SEN. STANG stated according to the fiscal note the Department of Justice has been violating the law. It states the fee is supposed to be \$4 and they have been charging us \$5. He stated

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 20, 1993

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration Senate Bill No. 395 (first reading copy -- white), respectfully report that Senate Bill No. 395 be amended as follows and as so amended do pass.

Signed: 
Senator Cecil Weeding, Chair

That such amendments read:

1. Title, line 5.

Following: "THE"

Insert: "MAXIMUM OVERHANG"

Following: "OF"

Strike: "TRUCKS HAULING RAW"

2. Page 3, lines 1 through 8.

Following: "(5)" on line 1

Strike: the remainder of line 1 through "(b)" on line 8

-END-

ROLL CALL

SENATE COMMITTEE HIGHWAYS & TRANSPORTATION DATE FEB 20, 1973

[illegible]

Amendments to Senate Bill No. 395
First Reading Copy

For the Committee on Highways and Transportation

Prepared by Dave Bohyer
February 16, 1993

SENATE HIGHWAYS

EXHIBIT NO. 1

DATE 20 February, 1993

BILL NO. SB 395

1. Title, line 5.

Following: "THE"

Insert: "MAXIMUM OVERHANG"

Following: "OF"

Strike: "TRUCKS HAULING RAW"

2. Page 3, lines 1 through 8.

Following: "(5)" on line 1

Strike: the remainder of line 1 through "(b)" on line 8

DATE February 20, 1993

SENATE COMMITTEE ON Highways & Transportation

BILLS BEING HEARD TODAY: STR 25 / EXEC. ACTION SB 365,
SB 373, SB 395, SB 416 & STR 25

Name	Representing	Bill No.	Check One	
			Support	Oppose
DOUG A BELIN	'ETURA	365		X
Linda Ellison	MTURA	365		X
Don Oll	MTURA	395		X
MARV DYE	DOT	365	✓	
Dave Galt	MDT	395	X	
DEAN ROBERTS	DEPT. OF JUSTICE	STR 25	X	
		SB 373	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By CHAIRMAN ROBERT CLARK, on March 15, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Bob Clark, Chairman (R)
Rep. Karyl Winslow, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Joe Barnett (R)
Rep. Bill Endy (D)
Rep. Pat Galvin (D)
Rep. Marian Hanson (R)
Rep. Vern Keller (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Ryan (D)
Rep. Wayne Stanford (D)
Rep. Bill Tash (R)
Rep. Randy Vogel (R)
Rep. Tim Whalen (D)

Members Excused: Rep. David Ewer (D)

Members Absent: None.

Staff Present: Connie Erickson, Legislative Council
Kimberlee Greenough, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 395, SB 105
Executive Action: None.

HEARING ON SB 395

Opening Statement by Sponsor:

SEN. JOHN HARP, SD 4, Kalispell, stated SB 395 would establish the limitations on the maximum overhang length of logs. He also stated he would like to propose amendments to the bill as outlined in EXHIBIT 11.

Proponents' Testimony:

Lyle Doty, Lyle Doty Trucking, Kalispell, said that he supports SB 395 with the proposed amendments.

Don Allen, Montana Wood Products Association, stated the Wood Products would like to go on record in support of SB 395 with the proposed amendments.

Keith Olson, Executive Director, Montana Logging Association (MLA), stated the MLA supports SB 395 with the proposed amendments.

Marky Adkins, Safety Director, Log Trucks Association, stated he supports SB 395 with the proposed amendments.

Dave Galt, Administrator, Motor Carrier Services Division, Montana Department of Transportation, said the Department supports SB 395 and the amendments.

Col. Bob Griffith, Montana Highway Patrol, stated the Highway Patrol supports SB 395 with the proposed amendments.

Dottie Motechka, Glacier Insurance, Kalispell, said she supports SB 395.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

REP. LARSON asked for someone to clarify if this bill will exclude the trailer-train combinations. Mr. Olson noted it would.

REP. LARSON asked if this bill would decrease the whips. Mr. Olson replied yes.

Closing by Sponsor: None.

HEARING ON SB 105

Opening Statement by Sponsor:

SEN. BARRY STANG, SD 26, St. Regis, said SB 105 would repeal last session's legislation to regulate the log hauling industry. He feels last session the minority came to testify, and he found out

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE March 15, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR	✓		
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER			✓
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

authority to limit the area of operation.

REP. ANDERSON stated he agreed with REP. BARNETT.

Motion/Vote: SB 255 BE CONCURRED IN. Motion failed. EXHIBIT 1

Motion/Vote: REP. HANSON MADE A SUBSTITUTE MOTION TO TABLE SB 255. Motion carried. EXHIBIT 1

EXECUTIVE ACTION ON SB 395

Motion: REP. LARSON MOVED SB 395 BE CONCURRED IN.

Motion/Vote: REP. MASON made a substitute motion to amend SB 395. Motion carried unanimously.

Discussion: REP. LARSON stated the insurance people agree with these amendments.

REP. GALVIN asked if the length of the logs was 15 feet.
REP. LARSON replied yes.

Motion/Vote: REP. MASON MOVED SB 395 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SB 145

Motion: REP. STANFORD MOVED SB 145 BE CONCURRED IN.

Discussion: REP. MASON stated he does not agree with the funding mechanism of this bill.

REP. LARSON stated we should not use the speeding fine for a funding source. He also he stated he supports the bill for the traumatic brain injured people.

REP. ENDY stated this bill has two different points: one, it is a funding source for the TBI people; and two, it increases the speeding fine.

REP. ANDERSON stated this bill is for a good cause, however, it does not relate to the speeding fine. He also stated this fine is an easy target.

REP. KELLER stated he was in favor of SB 145.

REP. WHALEN said this is a fuel conservation fine not a speeding fine. He suggested perhaps a careless driving fine would be a

HOUSE OF REPRESENTATIVES
HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE March 17, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. KARYL WINSLOW - VICE CHAIR			✓
REP. SHIELL ANDERSON	✓		
REP. JOE BARNETT	✓		
REP. BILL ENDY	✓		
REP. DAVID EWER	✓		
REP. PAT GALVIN - VICE CHAIR	✓		
REP. MARIAN HANSON	✓		
REP. VERN KELLER	✓		
REP. DON LARSON	✓		
REP. GARY MASON	✓		
REP. BILL RYAN	✓		
REP. WAYNE STANFORD	✓		
REP. BILL TASH	✓		
REP. RANDY VOGEL	✓		
REP. TIM WHALEN	✓		
CHAIR BOB CLARK	✓		

March 18, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 395 (third reading copy -- blue) be concurred in as amended.

Signed: Robert C. Clark
Robert C. Clark, Chair

And, that such amendments read: Carried by: Rep. Wanzenried

1. Title, line 4.

Following: "ACT"

Insert: "LIMITING THE ALLOWABLE LENGTH FOR A VEHICLE COMBINATION HAULING LOGS;"

2. Page 3, line 1.

Following: "(5)"

Insert: "(a) The length of a vehicle combination consisting of a truck or truck-tractor and one trailer, pole trailer, or semitrailer hauling raw logs may not exceed 75 feet in overall length. As used in this subsection (a), the term "length" means the total length of the vehicle combination beginning at the front of the front bumper of the truck or truck-tractor and extending to the most distant end of the logs being hauled. A term permit for an overlength vehicle combination, as provided in 61-10-124(3), does not apply to the vehicle combination described in this subsection (a). A vehicle combination exceeding 75 feet must have a trip permit."

3. Page 3, line 8.

Following: "~~(b)~~"

Insert: "(b)"

4. Page 3.

Following: line 11

Insert: "(c) The provisions in subsections (5) (a) and (5) (b) do not apply to a vehicle combination hauling utility poles."

5. Page 3, line 24.

Following: "(5)"

Insert: "(a)"

Committee Vote:

Yes 10, No 5.

611534SC.Hss

Handwritten signature and date: 3/19/93

Amendments to Senate Bill No. 395
Third Reading Copy

Requested by Senator Harp
For the Committee on Highways and Transportation

Prepared by Connie Erickson
March 15, 1993

1. Title, line 4.

Following: "ACT"

Insert: "LIMITING THE ALLOWABLE LENGTH FOR A VEHICLE COMBINATION
HAULING LOGS;"

2. Page 3, line 1.

Following: "(5)"

Insert: "(a) The length of a vehicle combination consisting of a truck or truck-tractor and one trailer, pole trailer, or semitrailer hauling raw logs may not exceed 75 feet in overall length. As used in this subsection (a), the term "length" means the total length of the vehicle combination beginning at the front of the front bumper of the truck or truck-tractor and extending to the most distant end of the logs being hauled. A term permit for an overlength vehicle combination, as provided in 61-10-124(3), does not apply to the vehicle combination described in this subsection (a). A vehicle combination exceeding 75 feet must have a trip permit."

3. Page 3, line 8.

Following: "(b)"

Insert: "(b)"

4. Page 3.

Following: line 11

Insert: "(c) The provisions in subsections (5)(a) and (5)(b) do not apply to a vehicle combination hauling utility poles."

5. Page 3, line 24.

Following: "(5)"

Insert: "(a)"